

06-22-01

Box 508 / A

06/21/01  
jc970 U.S. PTO

Practitioner's Docket No. 701586/50113-C

PATENT

11000 U.S. PTO  
09/886779  
06/21/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CONTINUATION APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of  
Inventor(s): Chandran R. SABANAYAGAM; Takeshi SANO; John MISASI; Anson HATCH; Charles CANTOR

For (title): NUCLEIC ACID ARRAYS AND METHODS OF SYNTHESIS

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.  
37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10\*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"  
Mailing Label No. EL565099250US  
(mandatory)

Date: 6/21/01

Signature  
Patricia W. Turner  
(type or print name of person certifying)

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. application number 09/287/781, filed April 8, 1999, and 60/081,254, filed April 9, 1998.

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

30 Pages of Specification  
5 Pages of Claims  
9 Sheets of Drawing

*(complete the following, if applicable)*

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

- ☐ Formal  
☒ Informal

**B. Other Papers Enclosed**

5 Pages of declaration and power of attorney (copy from prior application no. 09/287,781)  
1 Page of Abstract  
\_\_\_\_\_ Other

**4. Additional Papers Enclosed**

- ☒ Preliminary Amendment  
☒ Information Disclosure Statement (37 C.F.R. Section 1.98)  
☒ Form PTO-1449 (PTO/SB/08A and 08B)  
☐ Citations  
☐ Declaration of Biological Deposit  
☒ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence  
☒ Transmittal of Substitute Specification Sheets  
☒ Substitute Specification Sheets (10 pages)  
☒ Paper Copy of Sequence Listing (3 pages)  
☒ Statement that "Sequence Listing" and Computer Readable Copy are the same and/or that Papers Submitted Includes No New Matter  
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
☐ Special Comments  
☐ Other

5. Declaration or Oath (including power of attorney)

☒ Enclosed (copy from prior application no. 09/287,781)

6. Assignment

☒ An assignment of the invention to Trustees of Boston University was recorded on Reel 010315, Frame 0932 on October 18, 1999 in prior application no. 09/287,781.

7. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$355.00
Total Claims (37 C.F.R. Section 1.16(c))		- 20 =	x	\$18.00	
Independent Claims (37 C.F.R. Section 1.16(b))		- 3 =	x	\$80.00	
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))					
		+		\$270.00	

Filing Fee Calculation \$ 355.00

- B. ☐ Design application  
(\$320.00--37 C.F.R. Section 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C. ☐ Plant application  
(\$490.00--37 C.F.R. Section 1.16(g))

Filing Fee Calculation \$ \_\_\_\_\_

**9. Fee Payment Being Made at This Time**

☐ Not Enclosed

- ☐ No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)*

☒ Enclosed

☐ Filing fee \$ 355.00

Total Fees Enclosed \$ 355.00

**10. Method of Payment of Fees**

☒ Check in the amount of \$ 355.00

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

**11. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

(New Application Transmittal--page 4 of 5)

- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).)
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

**12. Instructions as to Overpayment**

*NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).*

☒ Credit Account No. 50-0850

☐ Refund

  
**SIGNATURE OF PRACTITIONER**

Reg. No.: 30,628

Tel. No.: 617-345-6054

Customer No.: 26248

Ronald I. Eisenstein  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATIONS CLAIMED**

**1. Relate Back**

Amend the specification by inserting, before the first line, the following sentence:  
\*\*\*"The following application is a continuation of U.S. application number 09/287,781, filed April 8, 1999, which claims the benefit of U.S. Provisional application number 60/081,254, filed April 9, 1998.

**2. Maintenance of Copendency of Prior Application**

\*\*\*This application is a continuation of copending application 09/287,781, filed April 8, 1999.

claims the benefit of U.S. Provisional Application No.

60/081,254 filed April 9, 1998, which files are incorporated herein by reference.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: C. Sabanayagam et al.

Application No.: Unassigned

Group No.: Unassigned

Filed: Herewith

Examiner: Unassigned

For: NUCLEIC ACID ARRAYS AND METHODS OF SYNTHESIS

Assistant Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL565099250US

Date of Deposit: June 21, 2001

I hereby state that the following *attached* paper or fee

Continuation Application Transmittal (5 pages);

30 pages of Specification;

5 pages of claims;

9 sheets of drawings;

1 page of Abstract;

Declaration and Power of Attorney (5 pages);

Preliminary Amendment (7 pages);

Information Disclosure Statement and Form 1449 (4 pages);

Submission of "Sequence Listing," Computer Readable Copy, and Amendment Pertaining  
Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence  
(3 pages);

Paper Copy of Sequence Listing (3 pages);

Transmittal of Substitute Specification Sheets (2 pages);

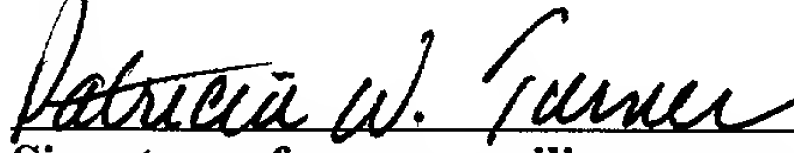
Substitute Specification Sheets (10 pages);

Check for \$355.00;

Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patricia W. Turner



Signature of person mailing paper or fee